

## **EXHIBIT D**

**The Switch**

# Former Tesla employee blasted by Elon Musk takes battle to SEC, filing whistleblower complaint

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by **Drew Harwell** July 11

Martin Tripp, the fired Tesla technician fighting a corporate legal battle and a war of words with CEO Elon Musk, has formally filed a tip with the Securities and Exchange Commission alleging the automaker lied to investors and used dangerous batteries in its electric cars, his attorney said.

Tripp told the SEC on Friday that the Silicon Valley car company, whose \$53 billion value rivals that of General Motors, had pushed for a number of potentially damaging measures to meet production quotas, including placing batteries with puncture holes into vehicles and reusing scrapped parts.

The company, Tripp said, had also inflated the number of Model 3 sedans it was making each week by as much as 44 percent, skewing the figure that investors and buyers had for months watched closely for clues to Tesla's performance.

Tesla did not immediately respond to requests for comment. The company has in the past repeatedly denied Tripp's claims, saying that no batteries with puncture holes had been used in cars, that Tripp was wrong about the scrap materials and that the company's production numbers were accurate.

The SEC declined to comment.

Tesla fired Tripp last month and sued him for allegedly hacking the company's computer systems, leaking false and damaging information to the news media, and stealing valuable secrets, which Tripp denies. In emails, Musk told Tripp he should be "ashamed" of himself and was "a horrible human being."

The company also said it received a phone call from a friend of Tripp after his firing, suggesting Tripp would go to Tesla's battery-producing Gigafactory in Nevada, where Tripp had worked, and "shoot the place up." Tripp said the claim was "absurd," and law-enforcement authorities who investigated the call said "there was no credible threat."

Tripp has retained Stuart Meissner, a New York attorney who represented the anonymous whistleblower in a 2016 case against agriculture-chemical giant Monsanto. The whistleblower won \$22 million in the case, one of the largest payouts since the SEC began offering awards in 2012 to encourage more internal reporting of potential violations.

Meissner said Tesla has sought to ruin Tripp's reputation as a way to protect its image and intimidate other potential whistleblowers from coming forward.

"Tesla and Mr. Musk have poured gasoline on the fire of Tesla supporters," Meissner said. Tripp "is not a public figure, like Elon Musk, and yet he's been just tossed out there into the public realm and trashed."

Tripp has yet to retain an attorney for his legal defense against Tesla, which is seeking at least \$1 million in damages.

 **36 Comments**



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